

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HENRY WATKINS,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	NO. 02-CV-2881
PENNSYLVANIA BOARD OF	:	
PROBATION & PAROLE,	:	
EDWARD JONES, and MICHAEL BUKATA	:	
	:	
Defendants.	:	
	:	

**JURY VERDICT FORM FOR MICHAEL BUKATA
IN HIS INDIVIDUAL CAPACITY**

A. Disparate Treatment

1. Do you find that the plaintiff has proved by a preponderance of the evidence that Defendant Michael Bukata, in his official capacity, subjected plaintiff to an adverse tangible employment action?

YES _____ NO _____

If you answered "YES" to Question 1, continue to Question 2. If you answered "NO" to Question 1, continue to Question 3 and do not answer Question 2.

2. Do you find that the plaintiff has proved by a preponderance of the evidence that race was determinative in motivating Defendant's employment action?

YES _____ NO _____

Continue to Question 3.

B. Retaliation

3. Do you find that the plaintiff has proved by a preponderance of the evidence that he opposed a racially discriminatory practice or engaged in protected conduct during a grievance hearing in November of 2000?

YES _____ NO _____

Continue to Question 4.

4. Do you find that the plaintiff has proved by a preponderance of the evidence that defendant Michael Bukata, in his official capacity, subjected plaintiff to suspensions and termination as a result of the plaintiff's 1993 lawsuit?

YES _____ NO _____

If you answered "YES" to Question 3, continue to Question 5. If you answered "NO" to Question 3, continue to answer Question 6.

5. Do you find that the plaintiff has proved by a preponderance of the evidence that there is a causal connection between the plaintiff's protected conduct during a grievance hearing in November 2000 and his termination in August 2001?

YES _____ NO _____

Continue to Question 6.

C. Conspiracy

6. Do you find that Michael Bukata, in his individual capacity, entered into a conspiracy to discriminate and/or retaliate against Mr. Watkins?

YES _____

NO _____

D. Damages

Please answer the following questions only if you found in favor of plaintiff on his disparate treatment claim, retaliation claim, or both. In other words, you should only answer these questions if you answered "YES" to Questions 1 and 2 and/or Questions 4 and/or 3 and 5 and/or Question 6.

7. Do you find that the plaintiff has proved by a preponderance of the evidence that plaintiff should be awarded damages to compensate for emotional pain and mental anguish?

YES _____

NO _____

If your answer is "YES," insert the amount of compensatory damages that will reasonably compensate plaintiff for his emotional pain and mental anguish in the space provided below.

\$ _____

8. Do you find that the plaintiff has proved by a preponderance of the evidence that plaintiff should be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

YES _____

NO _____

If your answer is "YES," insert the amount of compensatory damages that will reasonably compensate plaintiff for a net loss of wages and benefits in the space provided below.

\$ _____

If your answers to Questions ___ and ___ are "NO," insert a \$1.00 award of nominal damages below.

\$ _____

9. Do you find that the plaintiff has proved by a preponderance of the evidence that plaintiff is entitled to recovery of future earnings from defendant?

YES _____

NO _____

If your answer is "YES," insert the amount of future earnings that plaintiff is entitled to in the space provided below.

\$ _____

E. Punitive Damages

10. Do you find that the plaintiff has proved by a preponderance of the evidence that defendant Michael Bukata, in his individual capacity, personally acted with malice or reckless indifference to plaintiff's federally protected rights?

YES _____

NO _____

Foreperson: _____

Dated: _____

